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8 **Attorney for Respondent**
9 **Colin C. Swainston**

FILED 

MAY 29 2012

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

10
11 **THE STATE BAR COURT**
12 **HEARING DEPARTMENT - LOS ANGELES**

13 **In the Matter of**

14 **COLIN C. SWAINSTON**

15 **No. 150761**

16 **A Member of the State Bar,**

) **Case No.: 11-O-15324**

) **PROPOSED RESPONSE TO NOTICE OF**
) **DISCIPLINARY CHARGES**

17
18 **Colin C. Swainston**, Respondent (hereinafter "Respondent"), a member of the State Bar
19 of California, by and through his counsel of record, Michael G. Gerner, files the within Proposed
20 Response to the Notice of Disciplinary Charges (hereinafter "NDC") on file herein, admits,
21 denies and alleges as follows:

22 **JURISDICTION**

- 23 1. Respondent admits the allegations contained in Paragraph 1 of the NDC.

24 **COUNT ONE**

- 25 2. Respondent specifically denies each and every allegation contained in Paragraph 2 of
26 Count One of the NDC.
27 3. Respondent admits the allegations contained in Paragraph 3 of Count One of the
28 NDC.

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- 1 4. Respondent admits the allegations contained in Paragraph 4 of Count One of the
2 NDC.
- 3 5. Respondent admits the first sentence. Respondent has insufficient information upon
4 which to admit or specifically deny and based upon such insufficient information
5 specifically denies each and every further allegation contained in Paragraph 5 of
6 Count One of the NDC.
- 7 6. Respondent admits the first and third sentence. Respondent has insufficient
8 information upon which to admit or specifically deny and based upon such
9 insufficient information specifically denies each and every further allegation
10 contained in Paragraph 6 of Count One of the NDC.
- 11 7. Respondent has insufficient information upon which to admit or specifically deny
12 and based upon such insufficient information specifically denies as pled the each and
13 every allegation contained in Paragraph 7 of Count One of the NDC.
- 14 8. Respondent admits the allegations contained in Paragraph 8 of Count One of the
15 NDC.
- 16 9. Respondent specifically denies each and every allegation contained in Paragraph 9 of
17 Count One of the NDC.
- 18 10. Respondent specifically denies each and every allegation contained in Paragraph 10
19 of Count One of the NDC.

20 COUNT TWO

- 21 11. Respondent specifically denies each and every allegation contained in Paragraph 11
22 of Count Two of the NDC.
- 23 12. Respondent admits and specifically denies the allegations contained in Count One of
24 the NDC and incorporates such admissions and specific denials by reference in
25 Paragraph 12 of Count Two of the NDC.
- 26 13. Respondent specifically denies as pled each and every allegation contained in
27 Paragraph 13 of Count Two of the NDC.

28 COUNT THREE

1 14. Respondent specifically denies each and every allegation contained in Paragraph 15
2 of Count Three of the NDC.

3 15. Respondent admits and specifically denies the allegations contained Count One and
4 Count Two of the NDC and incorporates such admissions and specific denials by
5 reference in Paragraph 15 of Count Three of the NDC.

6 16. Respondent specifically denies each and every allegation contained in Paragraph 16
7 of Count Three of the NDC.

8 COUNT FOUR

9 17. Respondent specifically denies each and every allegation contained in Paragraph 19
10 of Count Four of the NDC.

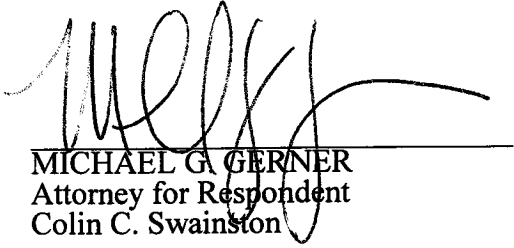
11 18. Respondent admits and specifically denies the allegations contained in Count One
12 through Three and incorporates such admissions and specific denials by reference in
13 Paragraph 18 of Count Four of the NDC.

14 19. Respondent admits the second sentence. Respondent has insufficient information to
15 admit or specifically deny the remaining allegations and based upon such insufficient
16 information specifically denies each and every allegation contained in Paragraph 19
17 of Count Four of the NDC.

18 20. Respondent specifically denies each and every allegation contained in Paragraph 20
19 of Count Four of the NDC.

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21 DATED: May 10, 2012

22 Respectfully submitted.

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MICHAEL G. GERNER
Attorney for Respondent
Colin C. Swainston

VERIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
)

I, COLIN SWAINSTON, the undersigned, certify and declare that I have read the foregoing PROPOSED RESPONSE TO NOTICE OF DISCIPLINARY CHARGES and know its contents. The statement following is applicable.

I am a party to this State Bar Court proceeding.

The matters stated in the document described above are true and of my own knowledge and belief except as to those matters stated on information and belief, and as to those matters I believe them to be true.

Executed on May 8, 2012, at Huntington Beach, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



COLIN SWAINSTON